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| APPLICATION NO.             | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|-----------------------------|-------------|----------------------|-----------------------|------------------|
| 10/709,246                  | 04/23/2004  | Mark C. Boomer       | 101896-0242 (DEP5294) | 3245             |
| 21125                       | 7590        | 06/09/2010           | EXAMINER              |                  |
| NUTTER MCCLENNEN & FISH LLP |             |                      | FISHER, ELANA BETH    |                  |
| SEAPORT WEST                |             |                      |                       |                  |
| 155 SEAPORT BOULEVARD       |             |                      | ART UNIT              | PAPER NUMBER     |
| BOSTON, MA 02210-2604       |             |                      | 3733                  |                  |
|                             |             |                      |                       |                  |
|                             |             |                      | NOTIFICATION DATE     | DELIVERY MODE    |
|                             |             |                      | 06/09/2010            | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@nutter.com

|   |                        |                     |  |
|---|------------------------|---------------------|--|
| <b>Examiner-Initiated Interview Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|   | 10/709,246             | BOOMER ET AL.       |  |
|   | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|   | ELANA B. FISHER        | 3733                |  |

**All Participants:****Status of Application:** \_\_\_\_\_(1) ELANA B. FISHER.

(3) \_\_\_\_\_.

(2) CHRISTINA SPERRY.

(4) \_\_\_\_\_.

**Date of Interview:** 25 May 2010**Time:** 10:30 AM**Type of Interview:**

Telephonic  
 Video Conference  
 Personal (Copy given to:  Applicant  Applicant's representative)

Exhibit Shown or Demonstrated:  Yes  No

If Yes, provide a brief description: \_\_\_\_\_.

**Part I.****Rejection(s) discussed:**35 U.S.C. 112, 1<sup>ST</sup> Paragraph rejection of independent claims 1 and 23.**Claims discussed:**

1, 23

**Prior art documents discussed:**

N/A

**Part II.****SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:***See Continuation Sheet***Part III.**

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Elana B Fisher/  
 Examiner, Art Unit 3733

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner contacted applicant's representative to discuss applicant's response to the 112 1st paragraph rejection in the prior non-final rejection. Examiner requested clarification as to the tapering of the superior and inferior surfaces of the clamp when the locking mechanism is fully distally inserted into the bore of the clamp. Applicant's representative continued to point of FIG 1C in applicant's original drawings and specifically noted that the corrected drawing were inconsistent with the original drawings. Applicant's representative supported this statement by pointing to the opening of the clamp in FIG 1C at its right end and saying that it is wider than the space between the surfaces towards the left end/near the recess where the taper begins. Examiner and applicant's representative further discussed that FIG 1C was being used to represent features of the invention in FIG 1E, which was elected by applicant on April 26, 2007. Examiner and applicant's representative did not resolve their dispute over the rejection.